



## REMARKS

### 35 U.S.C.112 Rejections

The Examiner has rejected claims 1-13, and 16-25 under Section 112. Applicant respectfully traverses the rejection.

The use of herbs in therapeutic medicine has been in use for about 4,000 years. The effects of the herbs have been known and used for ailments so that today the purpose of an essential oil is readily available.

Aromatherapists, herbalists, and even perfumers creating custom essential oil formulations have long known that certain essential oils may not be compatible with certain individuals having certain physical or emotional conditions present. Published works on the subject of essential oils, from books on Aromatherapy to those on chemical or material data, will provide the reader with information regarding the adverse affects of certain essential oils on certain individuals with certain conditions.

The "value" of essential oils is well known in the art and a specific number is not required to understand the "value" of an essential oil. The effects of specific essential oils can be used to correlate to the questions in the questionnaire. Depending on how a client answers a question will indicate which essential oils should be excluded or included. The uniqueness of essential oils as explained in Advanced Aromatherapy : The Science of Essential Oil by Kurt Schnaubelt, pg 55, a copy of which is attached, is due to their particular mix of main components essential oils show specific effects. These effects can be utilized to treat specific illnesses. Further, these specific effects can be attributed to



the main components of essential oils. Each essential oil has a specific effect that is unique. For example, Anise (*Pimpinella anisum*) has strong calming effect on the nervous system. It acts estrogen-like and can be used for amenorrhea, it minimizes overexcitement and has stabilizing effects following a hangover. Anise can be contrasted to the essential oil of Atlas Cedar (*Cedrus atlanticus*) that is valued for its ability to gently but persistently stimulate circulation and metabolism. It counteracts the storage of excess moisture and fat in tissue, and stimulates their elimination, when combined with certain oils, it is the strongest weapon against cellulite. The essential oil of Sage (*Salvia officinalis*) is traditionally associated with longevity. Sage has a reputation for restoring failing memory in the elderly. Sage is also effective against *Staphylococcus aureus* and bacteria of the genus *Streptococcus* and has an antiviral effect. Sage is also used to stimulate bile production. Furthermore, the use of Spike Lavender (*Lavandula latifolia*) is very useful for colds, and is useful for its antiviral effects and as an expectorant.

The specification does enable any person skilled in the art to which it pertains because each essential oil is completely unique in its effect, therefore the user, based on the way a person answers the questionnaire can include or exclude certain essential oils. The values of the answers and the relationship between the value and the essential oil is such that it is relative depending on what answers are given to the questions. Each essential oil has unique effects that can be linked to certain responses given, when a certain answer is given certain essential oils will be excluded and then the rest of the essential oils will continue to be excluded based on the answers until the process is finished and an essential oil formulation is created. Because of the uniqueness of each essential oil no particular value must be given because the result will always be the same

determination of a specific essential oil based upon the oil's well known properties. For example if the questionnaire is answered so that the answers indicate that the client is pregnant the essential oil Sage will automatically be excluded because Sage is not recommended for pregnant women.

Because the correlation between the essential oils and the questions in Table A, the specification does provide sufficient guidance, direction and working example to enable a skilled artisan to fully understand the meaning of analysis calculating and the value without undue experimentation because anyone skilled in the art would know the correlation between the essential oils in their effects and the questions asked in Table A.

### **35 U.S.C. 103 Rejection**

Claims 1-13 and 16-25 have been rejected as being obvious in view of Riggs. Applicant respectfully traverses this rejection.

Riggs contemplates a reading of a clients skin with a spectrophotometer, that analyzes the person skin and then based on that determination a cosmetic foundation is selected and formulated. The present invention has the purpose of creating an essential oil from a database expressed in electronic media for a client based on the clients valuation which is imported into a CPU. The present invention performs an analysis of an individual; then calculates a value from the analysis. After determining the value using a CPU, one or more essential oils in the database may be excluded from an essential oil universe comprising a plurality of essential oils to form an active essential oil universe. Then a sub-set that contains only oils associated with the given value is generated and a primary essential oil from the sub-set is selected based on the analysis. A



second essential oil and any subsequent oils from the primary essential oil family set can be selected based on the analysis.



The Examiner also relies on the patent Meador et al. Unlike the present invention, Meador et al. contemplates a selection of perfume based on the personal preference of what is pleasing to the clients sense of smell and not from a database expressed in electronic media as in the present invention. The present invention is a method for formulating an essential oil composition that teaches the use of electronic media to determine a formulation that is specific to each client which is not contemplated by either Riggs or Meador.

#### CONCLUSION

For the foregoing reasons applicant requests that the rejection be withdrawn and the present application be allowed.

Respectfully submitted,

A handwritten signature in cursive script that reads "Thomas A. O'Rourke".

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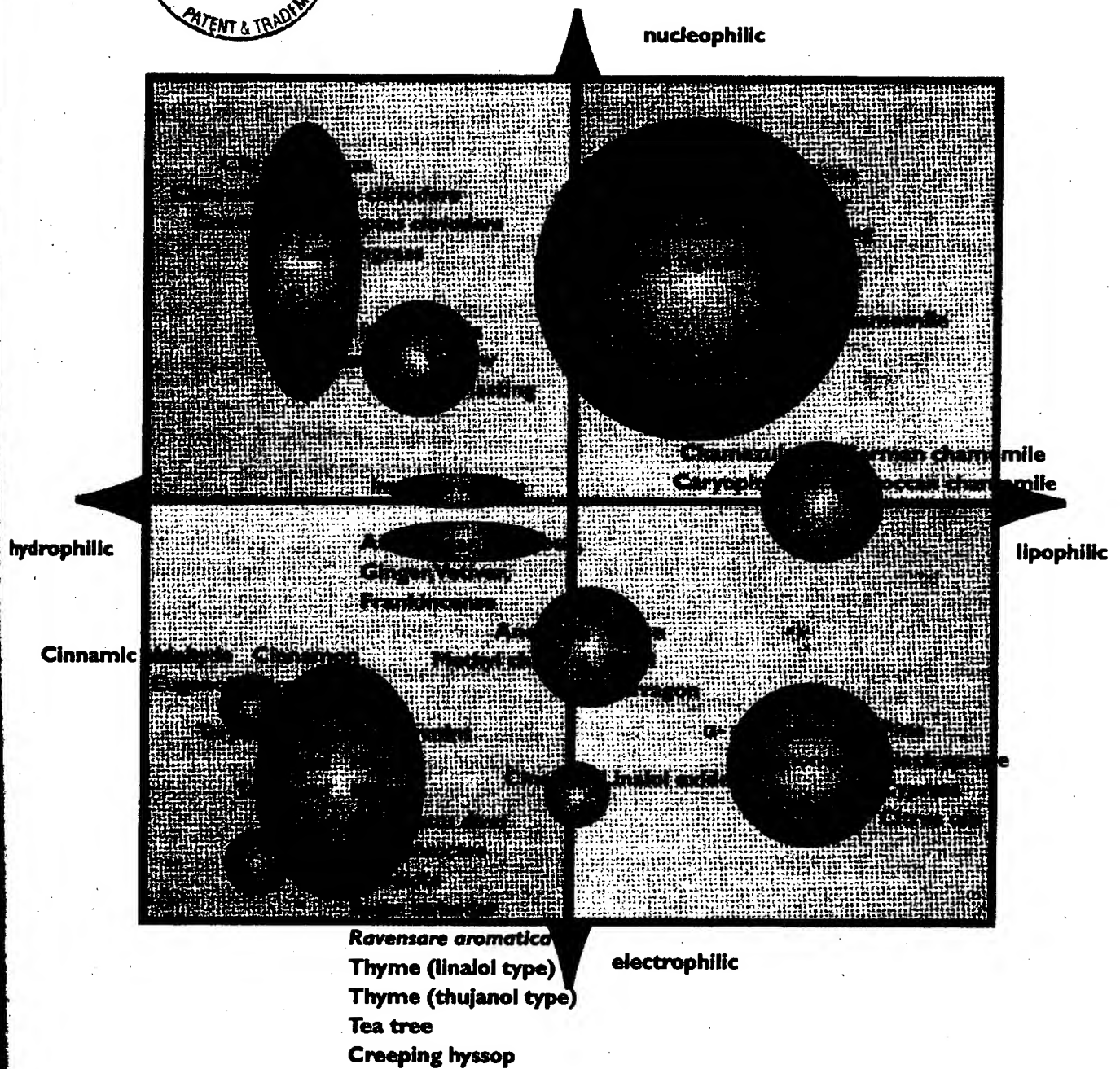
**CERTIFICATE OF MAILING**

I hereby certify that the foregoing Amendment was mailed by first class mail, postage prepaid, in an envelope addressed to the Commissioner of Patents P.O. Box 1450 Alexandria, VA 22313-1450, on this day the 6<sup>th</sup> of October, 2003.

A handwritten signature in cursive script, reading "Thomas O'Rourke".

Thomas O'Rourke





Due to their particular mix of main components essential oils show specific effects. These effects can be utilized to treat specific illnesses.



## Salvia spp. SAGE



"Why of seknesse deyeth man  
Whill sawge in garden be may  
ban?"  
Macer's herbal, 10th century.

TRADITIONALLY ASSOCIATED with longevity, sage has a reputation for restoring failing memory in the elderly. Like other memory-enhancing herbs, it was also planted on graves. It is said that when the British started importing tea from China, the Chinese so valued the herb they would trade two cases of tea for one of dried English sage. The purple variety of *S. officinalis* is generally used in medicine and is more effective than the common green plant. In China, the root of a related plant, *S. miltiorrhiza* (*dan shen*), is used as a tonic herb.

### Character

Pungent, bitter, cool, drying.

### Constituents

*S. OFFICINALIS*: volatile oil, diterpene bitters, tannins, triterpenoids, resin, flavonoids, estrogenic substances, saponins.  
*S. MILTIORRHIZA*: vitamin E.

### Actions

*S. OFFICINALIS*: carminative, antispasmodic, astringent, antiseptic, relaxes peripheral blood vessels, reduces perspiration, salivation and lactation, uterine stimulant, antibiotic, reduces blood sugar levels, promotes bile flow.  
*S. MILTIORRHIZA*: circulatory stimulant, sedative, clears heat.

## Parts used

### LEAVES

#### *S. OFFICINALIS*

The leaves have a special affinity with the mouth and throat, so make an ideal gargle or mouthwash. Also drying and estrogenic, they are useful both for menopausal problems and when weaning. Fresh leaves make a bitter digestive stimulant. Harvest throughout the summer.

Fresh  
aerial parts

*Dan shen*

### ROOT

#### *S. MILTIORRHIZA*

In China, the root is taken for "moving blood," where there is stagnation, as in some types of menstrual pain and heart conditions. Also considered sedative and cooling, *dan shen* is used to reduce heat, particularly in the heart and liver.

## Applications

### LEAVES

#### *S. OFFICINALIS*



**INFUSION** Use 20 g leaves to 50 ml water as a tonic and liver stimulant, or to improve digestive function and circulation in debility. Can reduce lactation when weaning and relieve night sweats at the menopause.



**TINCTURE** Use for menopausal problems. Prescribed to reduce salivation in Parkinson's disease.



**COMPRESS** Apply a pad soaked in the infusion to slow-to-heal wounds.



**GARGLE/MOUTHWASH** Use a weak infusion for sore throats, tonsillitis, mouth ulcers, or gum disease.



**HAIR RINSE** Use the infusion as a rinse for dandruff or to restore color to graying hair.

### ROOT

#### *S. MILTIORRHIZA*



**DECOCTION** Prescribed for period pain caused by blood stagnation; also prescribed in Chinese medicine for angina and coronary heart disease.

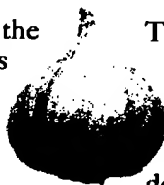
### CAUTIONS

- Avoid therapeutic doses in pregnancy. Small amounts of sage used in cooking are quite safe.
- Only take *dan shen* where the condition is caused by blood stagnation.
- Sage contains thujone, which can trigger fits in epileptics, who should avoid the herb.



# ORIGINS OF WESTERN HERBALISM

HIPPOCRATES MAY BE KNOWN today as the father of medicine, but for centuries medieval Europe followed the teachings of Galen, a 2nd-century physician, who wrote extensively about the body's four "humors" – blood, phlegm, black bile, and yellow bile – and classified herbs by their essential qualities: as hot or cold, dry or damp.



These theories were later expanded by 7th-century Arab physicians, such as Avicenna, and today Galenical theories continue to dominate *Unani* medicine, practiced in the Muslim world and India. Galen's descriptions of herbs as, for example, "hot in the third degree" or "cold in the second," were still being used well into the 18th century.

## Ancient Civilizations

### HERBS IN PAPYRI

Surviving Egyptian papyri dating back to about 1700 B.C. record that many common herbs, such as garlic and juniper, have been used medicinally for about 4,000 years. In the days of Rameses III, hemp was used for eye problems just as it may be prescribed for glaucoma today, while poppy extracts were used to quiet crying children.

### THE GREEK CONTRIBUTION

By the time of Hippocrates (468-377 B.C.), European herbal tradition

had already absorbed ideas from Assyria and India, with Eastern herbs such as basil and ginger among the most highly prized, and the complex theory of humors and essential body fluids had begun to be formulated. Hippocrates categorized all foods and herbs by fundamental qualities – hot, cold, dry, or damp. Good health was maintained by keeping qualities in balance, as well as taking plenty of exercise and fresh air.

Pedanius Dioscorides wrote his classic text *De Materia Medica* in

about A.D. 60, and this remained the standard textbook for 1,500 years. Dioscorides was reputed to have been either the physician to

### The Greek model

Early Greeks saw the world as composed of four elements: earth, air, fire, and water. These elements were related to the seasons, to four fundamental qualities, to four bodily fluids or humors, and to four temperaments. In almost all individuals, one humor was thought to dominate, affecting both personality and the likely health problems that would be suffered.

